

NEWTON COUNTY DRAINAGE BOARD

Newton County Courthouse

June 4, 2012 10:30 AM

The Newton County Drainage Board met on June 4, 2012 with the following persons present: Members Russ Collins, Tim Drenth, and Jim Pistello; Larry Holderly- Engineer, Chris Knochel- Surveyor, Debra Chapman Risley - Secretary, Dan Blaney – Drainage Board Attorney, LeAnn Sale, Mark Simons, King Clark, Roger DeYoung, and Jody Melton.

Minutes – The minutes for the April 2nd meeting were signed. Jim made a motion to approve the minutes for the May 7th and May 29th meetings with a second from Tim. Motion carried and the minutes were signed.

Mark Simons – Morrison Talley – Mark addressed the issue of drainage on the Morrison-Talley from the Kentland Elevator running east to the ditch on the south side of 24. He presented an estimate he had received from Craig King for the labor and materials (excluding the pipe to run from Chuck Simons’ to TP & W railroad). This is not a regulated drain; however the cut would outlet into the Morrison - Talley which is a regulated drain. It would actually sit in the TP & W right of way just south of the railroad. There is already a ditch on the other side of the quarry down to the same ditch which was cut by the quarry several years ago– this would be a match to that. It would be right on the property line or a little inside it. The length would be 3250’ of surface drain and would help with water removal at the corner of 150 W & US 24. Mark would have to seek an agreement with the railroad to dig in their ROW. Since Mark would like help with the expenses, this would require a hearing to add a lateral to the Morrison-Talley. Mark would like the project to begin this fall after the crops have been harvested. Dan Blaney is to look into the proper contact with TP & W. Mark reported there is a pipe under CR150 south of the corner although it is not very big. Larry will go out and look at the project site also.

Mary Spitler M-15 – Deb presented an unopened Preliminary Estimate submitted by Matt DeYoung as requested by Jim. This remained unopened as a request for bids would have to be made on this project. Larry said he was told by King Clark that the worst part of his tile is right downstream from the property line. So he thinks we should follow the old tile and head north – this would add approx. 100’ to the length of tile to be replaced. Chris said we would do the same as we have with the others – move it off to the side of the water channel itself like the Monjon Tile. Chris recommends placing the whole new tile in the original easement. Therefore he suggests taking the new tile from Pt A to B to C in the original easement. King said Pt A to Pt B is not in the easement. King suggested running it from Pt A to where the new riser was placed in the middle of his field and then move it to the north. Roger DeYoung said everything is working fine on his end and mentioned that this would increase his cost tremendously and also everybody else’s. Roger said that would be a lot of money and he doesn’t get any more benefit. King is looking to replace the tile that Chris has been repairing for the last 10 yrs. He just wants to incorporate another 100 more feet of tile to eliminate the old tile. The current easement is 75’ on each side. It could be reduced to 25’ on each side. Chris does not recommend this as we would end up with two easements on Chad Rutledge. Roger said if we put the new tile in, the old tile would probably last for years as it would no longer be stressed. Jim asked if we could take what is in the roadside ditch, keep it in roadside ditch to eliminate easement on Chad and then run it to the ditch. Larry suggested that we empty the existing tile into the roadside ditch by dipping it out a little and run it west and then to the north. Larry suggested running the new easement thru Chad, abandon the old easement while keeping the old tile and cutting it at the roadside ditch on the south side of 200—and run north along the roadside ditch. King said the roadside ditch will be deep. Chad will lose some useable/farmable ground. King said from where the vent is to the corner and then the tile that comes in from the south of the corner will be dropped into the new ditch on the north side. Chris mentioned that Chad was not in favor of digging the ditch deeper. Larry said the tile is so flat now that it will not flow. Russ said Chad told him this morning that he was O.K. as long as the easements could be reduced because he knows there needs to be relief from the tile. Chris stated that tile had been rerouted to reduce surface water. Roger said it would be less money to him if Clark would allow him to run tile across Clark’s property and then for us to just remove Roger from the watershed. Chris said that Roger’s surface water would still go to the regular drain and Russ said because of that it would not be possible to remove Roger from the watershed. King said the project was approved in April and again in May. Ronnie was to come back out and finish the project but it was stopped again. Tim asked why we couldn’t install a stand pipe to take away some of the surface water. Larry replied that we can place a stand pipe but that it needs to be tall enough to keep out the silt. Russ asked if we run an easement for the new tile, can we still repair the old tile and easement. Chris responded that now we are maintaining two flows of water, two tiles and two easements and he doesn’t see where the cost savings are. The new tile would need to be the same depth as the old in order to run the same amount of water and therefore he doesn’t see where the cost will be any different. There are too many technical issues – too many assumptions, stated Chris. Russ said he is about ready to can the whole project and let the two of them (R. DeYoung and K. Clark) work together - we have to get this done. Chris told King that this all started because there was no waterway and you didn’t want a waterway. King replied that they didn’t want a waterway – they wanted the tile fixed. Chris’ office designed the project and hired Ronnie, but Chris said that it wasn’t going to handle all the water. King wanted to know how many inches of rain it would hold to which Chris replied close to a 2” storm. Jim responded “that is all he’s concerned with” to which King agreed. Chris said if King wants a waterway then Chris will work with NCRS and put one in. King replied that the waterway was never introduced until we were in this room. The board had made a decision and it was not carried out. Tim asked for Dan Blaney to clarify the authority of the board. Dan replied, “You, the Drainage Board, make a decision. Now if on the other hand, he (Chris) says something that is different to him then he should submit something in writing so that it is part of the minutes - so that it still reflects 100 years from now. And you may both be right, I don’t know, from a legal standpoint”. Tim said, “We need this fixed and we need decisions that are made from this board carried out. That is not happening”. Dan said, “Well, make a ruling. If Chris has got something contrary to it then he should submit it and it should be in the minutes”. King suggested to Larry on Friday that perhaps a terrace system could be installed on Roger’s property to slow the speed of the water. Perhaps that could be part of the solution. Roger suggested a solution at the line since King’s property is currently lower and eroded. Jerry Gutwein suggested to Roger that we let the water run down, step down and a

flat, wide grass waterway be placed at the place of erosion so the water would be slowed. The contract with Ronnie Madison for the Mary Spitler Appurtenances dated December 5, 2011 is no longer active and no other work will be done according to that document. After the very lengthy discussion the board decided upon the following:

- 1) To layout and estimate cost for a 200' – 300' grass waterway into King Clarks field
 - 2) To estimate the cost to run new tile from Pt. A into King's field approximately 100' to the new riser & then north to Pt. C with a 30' easement on each side
 - 3) Larry is to design, engineer and estimate costs so that the board can set a hearing date.
- Tim made a motion to accept the previous 3 items with a second from Jim. Motion carried.

Battleday Tile Lateral #2 - Chris stated that the original route narrative stated that the 12" tile ran a certain direction however it was not where it was stated. Therefore the route narrative needs changed.

DeHaan Encroachments/Funding Requests for KRBC – Chris reported that there are 8,250' encroaching on the DeHaan Ditch and that according to his calculations it will take \$50,000 to move those encroachments. Chris wondered if we can ask the state for \$50,000 through our apportionment with KRBC then we could tell the landowners that we would help them move the encroachments. Jody Melton of KRBC is present for any questions. Jody reported that with the new legislative reapportionment Doug Gutwein has taken over everything south of the Kankakee from all of Jasper and Newton counties. A big part of the DeHaan project is draining the town of DeMotte which is a bunch of his votes. If we went to him as KRBC he might be interested in seeing this happen. The river basin commission is in the process of putting in application for money for the next fiscal year and all the counties need to decide what they want to do. Jody thinks this would be a good idea. Alan Cameron had previously asked the KRBC to help him gain access off of I-65. **Tim made a motion for KRBC to ask for \$150,000 from the state with a second from Jim. Motion carried.** **Sumava** - Jim asked Dan to get a letter to Jody Melton so that he can send it to Army Corp of Engineers stating that we are done on the Sumava project so that we can hopefully get some closure. Jim asked Jody why Newton County is only paying \$2,700 to KRBC while others pay more, Jody stated it is based upon the acreage in the watershed and the Iroquois River is not included – we only pay on acreage that drains into the Kankakee.

Subdivision Drainage Ordinance Amendment – Jim made a motion to table this topic with a 2nd from Tim. Motion carried.

Coleman Easement - Dan and Chris reported 30' of property on west side of drain and 57' on east side which includes the encroaching garage. Property on west is not good to anybody but the neighbor reported Larry. And the garage on the east is only good to the other neighbor. It was reminded that Coleman wanted \$20,000 + \$2,500 for attorney fees. Jim suggested that we take where the pipe comes through, all of the easement and the 30' of property on the west side of the drain. We will pay Joe Morrison the money after the trailer has been moved.

Historic SCS Drain Layer – Chris reported that he and Danielle have been discussing the possibility of creating another layer of SCS drains that were applicable. The reason for that is Ollie Dorn is in the process of circulating a petition and there is an SCS drawing of the drain so we know where it is routed. It does involve the Town of Brook (E Brook Drain).

Other Matters - Chris reported that the **Kindig double culverts** installed last year have shifted and need filled with rip-rap. Ronnie Madison said he could complete the work for \$2500.00. **Jim made a motion to complete the work necessary with a second from Tim. Motion carried.**

Chris mentioned there was an issue with **Dan Stohler and Mike Sanders of S & S Plastics** at US 24 & US41 when we had the last big rain. It is within the jurisdiction of the **Town of Kentland/Kentland Conservancy** since it is in the incorporated portion. Chris will look into this and **IDEM** will also need involved.

It was also reported by Chris that the **Town of Goodland** wants to meet with us concerning the next phase of the **Goodland Lateral**. Whenever the board is comfortable we will meet with them. The next phase is getting through the railroad grade.

Deb reminded everyone of the **Hearing at 1:30 P.M. on Monday, June 18th for the Barton Ditch, McCray-Ade and Strole Ditch.**

Jim made a motion to adjourn with a second from Jim. Meeting adjourned.